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O 111245Z DEC 06
FM AMEMBASSY ASTANA
TO RUEHC/SECSTATE WASHDC IMMEDIATE 7917
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RHEHNSC/NSC WASHDC IMMEDIATE

S E C R E T ASTANA 000814

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DEPT FOR S/WCI (STAMILIO, MUBANGU), L/PM (A. HAINES),
SCA/CEN (M. O'MARA), DOD/OGC (BEAVER), OUSD/DETAINEE POLICY
(LIOTTA), NSC (CAMPONOVO)

C O R R E C T E D C O P Y - T E X T

E.O. 12958: DECL: 12/11/2016
TAGS: [PREL](#) [PTER](#) [PHUM](#) [PINS](#) [KZ](#)
SUBJECT: KAZAKHSTAN AGREES TO RECEIVE DETAINEES IN DECEMBER

REF: A. STATE 194431

[1](#)B. ASTANA 502

Classified By: Pol-Econ Chief Deborah Mennuti, reasons 1.4
(B) and (D).

[1](#)1. (S/NF) Summary: The Kazakhstani government has agreed to accept the return of its citizens from Guantanamo in December, and wants the transfer to take place in Almaty rather than Astana as proposed by the U.S. The MFA maintains that the KNB insists on receiving records of interrogations of the three individuals at Guantanamo, in addition to the summary reports already received. End summary.

[1](#)2. (SBU) Pol-Econ chief met with Ualikhan Saginkhanov, head of the Europe and Americas division of the MFA's Consular Department, on December 11 to discuss the Ref A message on transfer of Guantanamo detainees. Saginkhanov presented a diplomatic note agreeing to receive the individuals during the December 10-17 timeframe.

[1](#)3. (S) Informal embassy translation of diplomatic note 4-13-1-1-10017, dated December 11, 2006:

The Ministry of Foreign Affairs of the Republic of Kazakhstan presents its compliments to the Embassy of the United States of America in the Republic of Kazakhstan and, in response to the Embassy's note No. 1180/06 of December 4, 2006, has the honor to report that the Kazakhstani side is ready to receive on the territory of the Republic of Kazakhstan A. B. Abykhanov, S.T. Arupov, and I.T. Batayev during the December 10-17 timeframe at the Almaty airport.

As a result of this, the Kazakhstani side requests the U.S. side to provide, no later than December 14, 2006, information about the date and time of arrival of the above-mentioned citizens.

Representatives of the Consular Department of the Ministry of Foreign Affairs of the Republic of Kazakhstan, as well as competent agencies of the Republic of Kazakhstan, will be present during the transfer of the above-named citizens of Kazakhstan.

The individuals transferred by the American side will be documented and escorted to their place of residence, with subsequent registration and recording.

With regard to the transfer of the above-named citizens of

Kazakhstan "to the exclusive custody of the Government of Kazakhstan," as mentioned in the U.S. Embassy's note No. 1180/06 of December 4, 2006, the Kazakhstani side kindly calls attention to the note of the Ministry of Foreign Affairs of the Republic of Kazakhstan No. I-13-1-1/1921 of November 6, 2006, in which it was reported that "in accordance with national legislation, it would be possible to enter the transferred persons into appropriate national or international watch lists, restrict their travel outside the country, confiscate their passports or deny them permission to travel only in case of their prosecution for the commission of criminal acts, in accordance with the established procedures, and the imposition of preventive punishment restricting their constitutional rights, including freedom of movement."

In addition, "in accordance with the legislation of the Republic of Kazakhstan a capable citizen of Kazakhstan should himself bear all responsibility for his actions and conduct, including criminal responsibility."

Along with this, the Kazakhstani side repeats its request that the American side, in the shortest possible time frame, provide legalized and operative materials about the circumstances under which the above-named Kazakhstani citizens were detained in Afghanistan, testimony during questioning, and any other information confirming their involvement in terrorist activity.

The Ministry of Foreign Affairs of the Republic of Kazakhstan avails itself of the opportunity to renew to the U.S. Embassy the assurances of its highest consideration.

End text of translation.

14. (S/NF) Saginkhanov emphasized several times the importance of receiving detailed records from the interrogations at Guantanamo. The KNB needed this information in order to

fully understand the threat that the individuals might pose, he said. He acknowledged that the U.S. had already provided a significant amount of information about the three individuals in question, but maintained that after detaining the three Kazakhstanis for so long U.S. authorities must have much more detailed records from numerous interrogations. Pol-econ chief promised to convey the urgency of the request to Washington but cautioned that additional documents might simply not exist. Saginkhanov said that the Kazakhstani government considered it "imperative" that additional information be conveyed through intelligence channels either in advance of the transfer, or simultaneously. "Kazakhstan is meeting the U.S. halfway on this," Saginkhanov said. "If the U.S. declines to share additional information, it will be perceived very badly."

15. (S/NF) Saginkhanov highlighted the fact that Kazakhstan wants the transfer to take place at the Almaty airport, rather than in Astana as proposed by the U.S. (Note: Post will modify the pending overflight request accordingly. End note.) He also requested that the U.S. provide two 3 cm x 4 cm photos of each detainee upon arrival, to facilitate the immediate issuance of identity documents.

16. (S/NF) Comment: In the interest of sustaining good cooperation with Kazakhstan on the return of detainees, including the fourth Kazakhstani citizen who will presumably be returned in the future, post urges Washington agencies to give full consideration to the Kazakhstani request for interrogation records with a view toward maximum possible transparency. If it is determined that no additional information can be shared, post requests advance warning in order to be equipped to resolve any conflicts that may arise during the transfer process. End comment.

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